

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UPS GROUND FREIGHT, INC.,

Petitioner/Cross-Respondent,

v.

**No. 18-1161
18-1182**

**NATIONAL LABOR RELATIONS
BOARD,**

Respondent/Cross-Petitioner,

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION NO. 773,**

Intervenor.

**PETITIONER/CROSS-RESPONDENT UPS GROUND FREIGHT, INC.’S
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27(a) and Circuit Rule 27(h), Petitioner UPS Ground Freight, Inc. (“UPS Freight” or “the Company”), respectfully moves the Court for an extension of time, from January 2, 2019 until January 16, 2019, to file its Reply Brief in this case. In support of this Motion, the Company states as follows:

1. Pursuant to Circuit Rule 27(h)(2), counsel for all parties have been informed of UPS Freight’s intention to file the instant motion. Counsel for

Respondent, National Labor Relations Board (“NLRB”), does not oppose the motion. Counsel for Intervenor, the International Brotherhood of Teamsters Local 773, does not oppose the motion.

2. UPS Freight filed its Opening Brief in this matter on October 15, 2018.

3. On November 1, 2018, the National Labor Relations Board (“NLRB”) filed an Unopposed Motion for a 28 Day Extension of Time to File Its Brief.

4. By Order dated November 2, 2018, the Court granted the NLRB’s Motion and issued a revised briefing schedule. Pursuant to that Order, the Board filed its brief on December 12, 2018. Intervenor’s brief is currently due on December 19, 2018. UPS Freight’s Reply Brief is currently due on January 2, 2019.

5. The current briefing schedule falls over the Christmas and New Year’s Day holidays and also during pre-scheduled vacation time for the lawyers responsible for the preparation of UPS Freight’s Reply Brief, including the undersigned counsel. The Reply Brief presently is due the day after the New Year’s Day holiday. Additionally, under the current briefing schedule, the Company will have only seven business days—two of which are Christmas Eve and New Year’s Eve—between the due date of Intervenor’s brief and the due date

of the Reply Brief to review and respond to arguments made in the Intervenor's brief.

6. Given the nature and importance of the issues raised in this case, UPS Freight requests a short extension of the briefing schedule in order that it may adequately address the matters raised in this proceeding.

WHEREFORE, UPS Freight respectfully requests that the Court extend the time for filing its Reply Brief from January 2, 2019 to January 16, 2019.

Dated: December 14, 2018

Respectfully submitted,

UPS GROUND FREIGHT, INC.

/s/ Kurt G. Larkin

Kurt G. Larkin

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2018, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system which will send notification of such filing to the following:

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Dated: December 14, 2018

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**Certificate of Compliance With Type-Volume Limit, Typeface Requirements,
and Type-Style Requirements for
Petitioner/Cross-Respondent UPS Ground Freight, Inc.'s Motion for
Extension of Time to File Principal Brief**

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 361 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font size in Times New Roman style.

Dated: December 14, 2018

Respectfully submitted,

UPS GROUND FREIGHT, INC.

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**ADDENDUM TO PETITIONER/CROSS-RESPONDENT UPS GROUND
FREIGHT, INC.'S MOTION FOR EXTENSION OF TIME TO FILE
REPLY BRIEF**

CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1)(A), Petitioner/Cross-Respondent UPS Ground Freight, Inc. states as follows with respect to this case:

A. Parties and Amici Curiae

(1) Petitioner/Cross Respondent, is UPS Ground Freight, Inc. UPS Ground Freight, Inc. is a Virginia corporation engaged in less-than-truckload and truckload freight services.

UPS Ground Freight, Inc. is a wholly-owned subsidiary of United Parcel Service of America, Inc., which is a wholly-owned subsidiary of United Parcel Service, Inc., which is a publicly-held corporation.

(2) Respondent/Cross-Petitioner is the National Labor Relations Board.

(3) At this time, the International Brotherhood of Teamsters, Local Union No. 773 has intervened.

(4) At this time, amici curiae filing on behalf of Petitioner/Cross-Respondent are as follows: Chamber of Commerce of the United States, Coalition for a Democratic Workplace, Associated Builders and Contractors, HR Policy Association, Independent Electrical Contractors, International Food Distributors Association, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Federation of Independent Business, National Retail Federation, Restaurant Law Center, and Retail Industry Leaders Association.

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, and to enable the Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Petitioner UPS Ground Freight, Inc. states the following:

UPS Ground Freight, Inc. is a wholly-owned subsidiary of United Parcel Service of America, Inc., which is a wholly-owned subsidiary of United Parcel Service, Inc., which is a publicly-held corporation.

Dated: December 14, 2018

Respectfully submitted,

UPS GROUND FREIGHT, INC.

/s/ Kurt G. Larkin

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2018, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the District of Columbia Circuit using the CM/ECF system which will send notification of such filing to the following:

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